

**Senate Bill No. 1040**

**CHAPTER 395**

An act to amend Section 68120 of the Education Code, relating to public postsecondary education.

[Approved by Governor September 22, 2006. Filed with  
Secretary of State September 22, 2006.]

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1040, Dunn. Public postsecondary education: fees and tuition: waiver: survivors of deceased law enforcement and firefighting personnel.

Existing law requires the Regents of the University of California, the Board of Directors of the Hastings College of the Law, and the Trustees of the California State University to excuse the mandatory systemwide tuition and fees of any surviving spouse or surviving child, natural or adopted, of a deceased person who was a resident of the state, who was employed by a public agency, or who was a contractor, or who was an employee of a contractor, as defined, whose principal duties consisted of active law enforcement service or active fire suppression and prevention, and who was killed in the performance of those duties.

Under existing law, a surviving stepchild living or domiciled with the deceased person at the time of his or her death or at any time while that stepchild was a minor, and claimed on a tax form filed by or on behalf of the deceased person also qualifies for the waiver of mandatory systemwide fees or tuition.

This provision is applicable to the Regents of the University of California only if the regents, by resolution, make it applicable.

This bill would instead require that, to be eligible for the waiver of mandatory systemwide fees or tuition under this provision, a surviving stepchild live or be domiciled with the deceased person at the time of his or her death. The bill would also require that the surviving stepchild be claimed on the tax form most recently filed by the deceased person prior to that person's death, or receive 50% or more of his or her support from that deceased person in the tax year immediately preceding the death of the deceased person, or both.

*The people of the State of California do enact as follows:*

SECTION 1. Section 68120 of the Education Code is amended to read:

68120. (a) Notwithstanding any other provision of law, no mandatory systemwide fees or tuition of any kind shall be required of or collected by the Regents of the University of California, the Board of Directors of the

Hastings College of the Law, or the Trustees of the California State University from any surviving spouse or surviving child of a deceased person who met all of the following requirements:

- (1) He or she was a resident of this state.
- (2) He or she was employed by a public agency, or was a contractor, or an employee of a contractor, performing services for a public agency.
- (3) His or her principal duties consisted of active law enforcement service or active fire suppression and prevention. This section shall not apply to a person whose principal duties were clerical, even if he or she was subject to occasional call or was occasionally called upon to perform duties within the scope of active law enforcement or active fire suppression and prevention.
- (4) He or she was killed in the performance of active law enforcement or active fire suppression and prevention duties, or died as a result of an accident or an injury caused by external violence or physical force, incurred in the performance of his or her active law enforcement or active fire suppression and prevention duties.

(b) Notwithstanding subdivision (a), a person who qualifies for the waiver of mandatory systemwide fees and tuition under this section as a surviving child of a contractor, or of an employee of a contractor, who performed services for a public agency shall, in addition to the requirements set forth in subdivision (a), meet both of the following requirements:

(1) Enrollment as an undergraduate student at a campus of the University of California or the California State University.

(2) Documentation that his or her annual income, including the value of any support received from a parent, does not exceed the maximum household income and asset level for an applicant for a Cal Grant B award, as set forth in Section 69432.7.

(c) As used in this section:

(1) “Contractor” or “employee of a contractor” does not include a security guard or security officer, as defined in Section 7582.1 of the Business and Professions Code.

(2) “Public agency” means the state or any city, city and county, county, district, or other local authority or public body of or within the state.

(3) “Surviving child” means either of the following:

(A) A surviving natural or adopted child of the deceased person.

(B) A surviving stepchild who meets both of the following requirements:

(i) He or she was living or domiciled with the deceased person at the time of his or her death.

(ii) He or she was claimed on the tax form most recently filed by the deceased person prior to that person’s death, or he or she received 50

percent or more of his or her support from that deceased person in the tax year immediately preceding the death of the deceased person, or both.

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